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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,259	08/22/2000	Takashi Yamaguchi	0649-0758P-SP	9019

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EXAMINER
SHORT, PATRICIA A

ART UNIT	PAPER NUMBER
1712	13

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Please find below and/or attached an Office communication concerning this application or proceeding.

AS-B

Office Action Summary	Application No. 09/643259	Applicant(s) Yamaguchi
	Examiner Short	Group Art Unit 1712

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☒ Responsive to communication(s) filed on April 9, 2003.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-8, 11, 12 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-8, 11, 12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____.

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Interview Summary, PTO-413

☐ Notice of Informal Patent Application, PTO-152

☐ Other _____

Office Action Summary

This action is in response to the request for continued examination (RCE) and preliminary amendment filed on April 9, 2003. The amendment previously filed on July 8, 2002 under 37 CFR 1.116 has been entered.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2 , 6-8, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Osborne. The reference teaches molding compositions comprising fibrous material, a crystalline unsaturated polyester having a melting point of 50° to 115° C, an amorphous unsaturated polyester, a free radical generator and a copolymerizable monomer. See claims 1 and 2, col. 4, lines 1-3 and examples. Copolymerizable monomers include monomers other than styrene. See col. 3, lines 33-37. Thus, the reference describes a composition comprising a fibrous material, a crystalline unsaturated polyester, an amorphous unsaturated polyester, a free radical generator and a copolymerizable monomer other than styrene encompassed by the claims.

Claims 1-8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborne alone or in view of each of Sakai and Fujita. Osborne is discussed above. Osborne does not disclose the glass transition temperature or softening point of the amorphous unsaturated

polyester. However, the ranges recited in claim 3 encompasses amorphous polyesters conventionally used in the art. It would have been obvious to select a monomer other than styrene from the group of copolymerizable monomers taught by Osborne as the copolymerizable monomer for use with a crystalline unsaturated polyester, a conventional amorphous unsaturated polyester, a free radical generator and a fibrous material in conventional amounts. References are not limited to their preferred embodiments and the motivation of the reference does not have to be the same as applicant's motivation. A composition that does not contain styrene would be expected not to have the odor of styrene.

Alternatively, each of Sakai and Fujita discloses that the odor problem of styrene is recognized in the art. See Sakai at col. 1, lines 13-18 and Fujita at col. 1, lines 14-46. In view of the art recognized odor problem of styrene, as evidenced by each of Sakai and Fujita, it would have been obvious to use a select a monomer other than styrene as the copolymerizable monomer in the compositions of Osborne in order to eliminate the styrene odor.

Claims 1-8 , 11 and 12 are rejected under 35 U.S.C. 102(b) as anticipated by Van Gasse. The reference teaches molding compositions comprising fibrous material, a crystalline unsaturated polyester having a melting point of 70° C, an unsaturated polyester, a free radical generator and an unsaturated monomer. See example. Fibrous material can be used in amounts of up to 80%. See col. 3, line 37, col. 4, lines 42-43. As the unsaturated polyester used in Resin A is a conventional unsaturated polyester for use in unsaturated polyester compositions, it is inherently amorphous and has the Tg and/or softening point required in the claims. Unsaturated monomers include monomers other than styrene. See col. 3, lines 4-9. Thus, the reference describes a composition comprising a fibrous material, a crystalline unsaturated polyester, an amorphous unsaturated polyester, a free radical generator and a copolymerizable monomer other than styrene encompassed by the claims.

Claims 1-8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Gasse alone or in view of each of Sakai and Fujita. Van Gasse is discussed above. Van Gasse does not disclose the glass transition temperature or softening point of the conventional unsaturated polyester. However, the ranges recited in claim 3 encompasses amorphous unsaturated polyesters conventionally used in the art. It would have been obvious to select a monomer other than styrene from the group of unsaturated monomers taught by Van Gasse as the unsaturated monomer for use with a crystalline unsaturated polyester, a conventional amorphous unsaturated polyester, a free radical generator and a fibrous material. References are not limited to their preferred embodiments and the motivation of the reference does not have to be the same as applicant's motivation. A composition that does not contain styrene would be expected not to have the odor of styrene.

Alternatively, each of Sakai and Fujita discloses that the odor problem of styrene is recognized in the art. See Sakai at col. 1, lines 13-18 and Fujita at col. 1, lines 14-46. In view of the art recognized odor problem of styrene, as evidenced by each of Sakai and Fujita, it would have been obvious to use a select a monomer other than styrene as the copolymerizable monomer in the compositions of Van Gasse in order to eliminate the styrene odor.

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